

JANICE E. YATES
CHIEF DEPUTY CLERK

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
U.S. POST OFFICE & COURTHOUSE BUILDING
CINCINNATI, OHIO 45202-3988

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U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

FILED

APR 02 2003

LEONARD GREEN, Clerk

CR 1-02-54
Judge Dlott

Pierre H. Bergeron, Esq.
Squire, Sanders & Dempsey
312 Walnut
Suite 3500
Cincinnati, Ohio 45202-4036

Re: 03-3243
USA v. Pugh

Dear Mr. Bergeron:

Thank you for accepting the court's appointment to represent the appellant in the above-styled case; the court appreciates your undertaking to provide the representation afforded by the Criminal Justice Act, 18 U.S.C. § 3006A, et seq. This appeal is taken from a judgment entered by United States District Court Judge Susan J. Dlott of the Southern District of Ohio at Cincinnati. Attorney Edward J. Felson of Cincinnati, Ohio, having been granted leave to withdraw from the appellate proceedings, your appointment is made pursuant to the terms of the Act.

Because of severe budgetary constraints, we must observe certain limitations in reimbursing expenses. If you seek reimbursement, you must follow the instructions contained in the accompanying guidelines. A review of the guidelines for reimbursement, contained in the enclosed submission instructions, should be your first step in preparing the case for the court. As you prepare briefs, appendices, and other documents to be sent to this office for filing, you should be aware that the court strongly disfavors the use of expedited U.S. Mail or private courier services. Reimbursement for any copying expenses will not exceed \$500. Papers should be sent to the court via regular U.S. Mail; keep in mind that briefs and appendices are deemed filed when placed in the mail, so that actual receipt after the due date will not prejudice the filing of those documents which were mailed in time. Even if you choose a more expensive delivery option, however, you will be reimbursed on the cost of regular U.S. Mail.

When this case is scheduled for oral argument, you will receive a **Travel Authorization** with instructions so that you may obtain airfare and hotel accommodations at more favorable government rates. In order that the limited funds appropriated for Criminal Justice Act cases be conserved, it is essential that you avail yourself of these reduced rates, upon which reimbursement of travel and per diem expenses will be based.

The CJA-20 voucher which you will submit at the conclusion of the appeal to claim compensation and reimbursement of expenses will be sent to you, with instructions, at that time. You will also be receiving at that time forms to be used to itemize the time and expenses you will be claiming. These are the forms required by the court, and you should not deviate from it. Vouchers which do not include the proper form of itemization will be returned for correction, and no action will be taken on the voucher until the itemization has been re-submitted in the proper form. In order to facilitate its review of claims for fees and expenses, the court will not accept vouchers or time and expense forms which are not typed. If, after reading the enclosed guidelines document, you have any questions about your appointment, please contact Mrs. Priscilla Ehrlich, Procurement Deputy, at (513) 564-7078.

Upon the completion and filing of the certified record of district court proceedings, this office will issue a schedule for the filing of the parties' briefs and joint appendix and will so advise counsel. In order for the record to be completed, it will be necessary for you to order whatever transcript of proceedings that you may require. To that end I have enclosed a copy of the listing of district court docket entries. Please examine the list, determine which proceedings are to be transcribed and use the enclosed Form 6CA-30 to place your order with Court Reporters Betty J. Schwab, 100 East Fifth Street, Suite 801 Potter Stewart United States Courthouse, Cincinnati, Ohio 45202, telephone (513) 564-7636 and Julie Wolfer, 100 East Fifth Street, Suite 828 Potter Stewart United States Courthouse, Cincinnati, Ohio 45202, telephone (513) 564-7606. The cost of producing the transcript will be borne by the government under the Criminal Justice Act. If you have any problems involving the transcript, please contact this office's Transcript Coordinator, Beverly Harris at (513) 564-7077.

The enclosed appearance and transcript order form(s) must be received in the Clerk's Office within fourteen (14) days from the date of this letter. Any questions you may have concerning the progress of the appeal may be addressed to this office to the attention of Teresa Bertke, Case Manager, (513) 564-7024.

One final cautionary note is in order. There are companies which claim expertise in federal criminal and post-conviction law and which aggressively market their services directly to inmates. Their marketing materials promise litigants that they may hire these companies, using private funds, to assist court-appointed counsel in developing their appellate strategy and preparing motions and briefs for the court of appeals. **THESE REPRESENTATIONS ARE MISLEADING AND CAN RAISE SERIOUS ISSUES FOR COURT-APPOINTED COUNSEL AS WELL AS THE LITIGANT.** If a litigant has private funds available, whether from family or otherwise, to hire a research company, his or her entitlement to the services of counsel or the provision of transcript at government expense is placed in jeopardy. If appointed counsel assists a client in misrepresenting indigency to the court, or knowingly allows such a misrepresentation to occur, he or she is likely to have violated one or more provisions of the Code of Professional Responsibility. If you should become aware that your client has financial resources not previously disclosed to the court, you should contact the Clerk or Chief Deputy Clerk immediately for guidance.

Very truly yours,



Janice E. Yates
Chief Deputy Clerk

Enclosures
JEY:kl

cc:

Tyreese Pugh
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Clerk, U.S. District Court